

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7600

Investigation into: (1) whether Entergy Nuclear)
Vermont Yankee, LLC, and Entergy Nuclear Operations,)
Inc. (collectively, "Entergy VY"), should be required to)
cease operations at the Vermont Yankee Nuclear Power)
Station, or take other ameliorative actions, pending)
completion of repairs to stop releases of radionuclides,)
radioactive materials, and, potentially, other non-)
radioactive materials into the environment; (2) whether)
good cause exists to modify or revoke the 30 V.S.A.)
§ 231 Certificate of Public Good issued to Entergy VY;)
and (3) whether any penalties should be imposed on)
Entergy VY for any identified violations of Vermont)
statutes or Board orders related to the releases)

Order entered: 4/21/2011

ORDER DENYING REQUEST FOR SUPPLEMENTAL REPORTING

On February 7, 2011, the Vermont Public Service Board (the "Board") issued an Order directing Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc., ("Entergy VY" or the "Company") to file bi-weekly status reports regarding the "investigation and remedial actions taken at Vermont Yankee that have been prompted by the new GZ-24 leak data" In that Order, the Board invited any party to this docket to file comments on these status reports.

On February 11, 2011, Entergy filed its first status report regarding the Company's investigation into the source of tritium leakage that has been detected in well GZ-24, including an explanation of (1) certain piping lines that Energy has focused on as the possible source of the leaks; (2) the testing the Company has completed; and (3) the future testing the Company plans

to undertake to conclusively identify the source of the tritium in well GZ-24 (the "First Status Report").

On February 25, 2011, Conservation Law Foundation ("CLF") filed comments on the First Status Report stating that the report "fails to identify the specific inspection actions taken and fails to evaluate the new data with respect to any non-radiological health and safety impacts."¹ Therefore, CLF requested that the Board order Entergy to supplement its reports to identify the specific inspection actions taken, including but not limited to, identifying the means of inspection used and to evaluate and provide information on impacts apart from the radiological health and safety impacts.²

On March 23, 2011, the Board invited the parties in this docket to file responses to the CLF Request. On April 4, 2011, the Vermont Department of Public Service (the "Department") filed a letter stating that it supports the CLF Request. That same day, Entergy filed a response opposing the CLF Request. According to Entergy, the CLF Request lacks merit because it "ignores the detailed explanation in [the First Status Report] of the actions taken by Entergy VY."³ The Company further contends that the Board should deny CLF's request for information on impacts from the leakage apart from radiological health and safety because there are no circumstances to "support any claim" that non-radiological health and safety impacts "have resulted from the low-level of tritium detected in GZ-24"⁴

Neither CLF nor the Department has specified the additional information Entergy should be required to provide concerning the Company's means of inspection. These parties also have not identified the nature of testing and evaluation for non-radiological impacts that they would recommend. Thus, while CLF and the Department may have raised an issue that warrants additional inquiry, the request for supplemental reporting is not accompanied by enough

1. *Conservation Law Foundations Comments on Entergy VY's February 11, 2011, Status Report* at 3 (the "CLF Request").

2. *Id.* at 3.

3. Response of Entergy Nuclear Vermont Yankee, LLC and Energy Nuclear Operations, Inc., to Conservation Law Foundation's Comments on Entergy VY's February 11, 2011, Status Report at 4.

4. *Id.* at 5-6.

information to permit a decision on its merits. Therefore, CLF's request for supplemental reporting from Entergy is denied, without prejudice to refile.

SO ORDERED.

DATED at Montpelier, Vermont, this 21st day of April, 2011.

<u>s/James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: April 21, 2011

ATTEST: s/Judith C. Whitney
Deputy Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)